

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, March 1, 2006

Members Present: John J. Mulhearn Jr. Chairman
Carter Thomas
Philip Slocum
Jeanne Foster
Vincent Gambardella

Members Absent: Michael Constantine
Attilio Iacobucci
George Arnold

Also in attendance: John DeLucia, City Engineer
Eric Hindinger, Assistant City Engineer
John Earle, Solicitor

The meeting was called to order at 7:00 P.M.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to approve the February 2006 meeting minutes.

Public Meeting

Minor Subdivision

Poplar Avenue

Applicant: Richard and Dorothy Landry
Location: 11 Poplar Avenue
Assessor's Plat: 331
Lot(s): 158, 159, 160 & 161
Zoning District: Residential A-7
Land Area: 20,253 square feet
Number of lots: 2
Engineer: Waterman Engineering Co.
Ward: 4

Mr. Richard Lipsitz, P.E., Waterman Engineering, represented the applicant and was requesting preliminary approval to subdivide four lots to create two new lots, one lot with an existing dwelling and one new lot for development on an existing street in a Residential A-7 zoning district.

Mr. Lipsitz explained that the applicant intended to keep the existing dwelling and build on the new lot.

Being no comment or questions relating to the development, the Planning Board then heard the Planning Department recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations,

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City’s Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate and permanent access to a public street.

The Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulation:

- 1) That the City Engineer shall approve the final development plan prior to recording.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department’s findings and to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the Planning Department’s recommended stipulation.

Public Meeting

Minor Subdivision

The Meadow View Plat

Applicant: Anthony Menard
Location: 70 State Street, Meadow View Avenue and Hazel Street
Assessor's Plat: 357
Lot(s): 459, 460, 461, 462 & 463
Zoning District: Residential A-10/A-7
Land Area: 16,381 Square Feet
Number of lots: 2
Engineer: Flynn Surveys Inc.
Ward: 5

Attorney John Shekarchi represented the applicant and was proposing to subdivide five lots totaling 16,381 square feet to create two new lots, one lot with an existing dwelling and one new lot for development on an existing street in a Residential A-10 Zoning District in accordance with Zoning Ordinance Section 405.3 (C) "Subdivision of Merged Lots."

Attorney Shekarchi explained that the proposed subdivision was in compliance with Zoning Ordinance Section 405.3 (C) because the property was serviced by public water and that the applicant had agreed to provide public sewer to the site.

Attorney Shekarchi introduced Mr. Edward Pimental, Professional Planner, who submitted Comprehensive Plan analysis and testimony that the proposed subdivision was compliant with approximately 80% of the lots in the area. Mr. Pimental also testified that the proposed subdivision was conformance with the City's zoning ordinance.

Being no further comments or questions the Planning Board then heard the Planning Departments recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations,

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.

- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate and permanent access to a public street.

The Planning Department recommendation was to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That sedimentation and erosion control measures shall be shown and detailed on a final development plan.
- 2) That the proposed dwelling shall be at least 3 feet above the maximum seasonal high ground water elevation as determined by the designer.
- 3) That the large oak tree located on lot 2 near Meadow View Avenue is to be preserved or in the alternate two 2½” trees to be approved by the City’s Landscape Coordinator are to be planted in its place.
- 4) That both properties shall be connected to the Warwick Sewer System prior to the issuance of a Certificate of Occupancy.

On the motion of Mr. Thomas, seconded by Mr. Gambardella, the Planning Board voted unanimously to adopt the Planning Department’s findings and to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the Planning Department’s recommended stipulations.

Public Meeting

Minor Subdivision

Stoppard – Spooner Plat

Applicant:	Sundown Corporation
Location:	77 Spooner Avenue
Assessor’s Plat:	269
Lot(s):	21
Zoning District:	Residential A-10
Land Area:	22,459 square feet
Number of lots:	2
Engineer:	Alpha Associates, LTD
Ward:	3

Mr. Harry Miller, Alpha Associates, represented the applicant and was requesting preliminary

approval to subdivide one lot to create two new lots, one lot with an existing dwelling to be relocated in accordance with the City's Zoning Regulations and one new lot for development on an existing street in a Residential A-7 zoning district.

Mr. Miller explained that the applicant was proposing to move the existing dwelling, divide the property into two lots, Parcel "A" totaling 12,000 square feet and Parcel "B" totaling 10,000 square feet, and build a new dwelling on Parcel B all in conformance with the City's zoning regulations.

Being no questions or comments about the proposed development, the Planning Board then heard the Planning Departments recommendation.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations,

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City's Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate and permanent access to a public street.

Planning Department Recommendation

The Planning Department recommendation is to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the proposed dwelling shall be at least 3 feet above the maximum seasonal high ground water elevation, as determined by the designer.
- 2) That the developer shall confer with the City's Landscape Project Coordinator to determine the feasibility of tree preservation on the site prior to final approval.
- 3) That both properties shall be connected to the Warwick Sewer System prior to the issuance of a Certificate of Occupancy.
- 4) That the City Engineer shall approve the final development plan prior to recording.

On the motion of Mr. Gambardella, seconded by Mr. Slocum, the Planning Board voted unanimously to adopt the Planning Department's findings and to grant preliminary approval with final approval to be through the Administrative Officer upon compliance with the Planning Department's recommended stipulations.

Public Hearing

Major Land Development Project

Brinker, On the Border Restaurant

Applicant:	Brinker Rhode Island, Inc.
Location:	650 Bald Hill Road, RI Mall
Assessor's Plat:	264
Lot(s):	001
Zoning District:	General Business
Land Area:	20.3 +/- acres
Number of lots:	1
Engineer:	Bohler Engineering
Ward:	8

Attorney K. Joseph Shekarchi represented the applicant and was requesting Master Plan approval of a Major Land Development Project to construct a new 6,032 square foot restaurant within the existing parking facilities at the Rhode Island Mall Shopping Center on a lot with two existing restaurants and a retail shopping mall with less than required parking and landscaping.

Attorney Shekarchi explained that the restaurant meets the zoning requirements for setbacks and parking but that the project is scheduled for a Zoning Board hearing in April for a Special Use Permit to have more than one use on a lot.

Board member Slocum asked if there was any change to the internal circulation of the Mall. Attorney Shekarchi responded that the circulation patterns would not change.

Board member Gambardella inquired if the restaurant would have a separate curb cut onto Route 2. The attorney responded that there would be no additional curb cut and that the restaurant would share the existing mall access.

Being no further questions or comments the Planning Board then heard the Planning Department's comments.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations and

- 1) Generally consistent with the Comprehensive Community Plan.

- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance therefore requiring a variance to construct a restaurant on a lot with two existing restaurants and a retail shopping mall with less than the required parking and landscaping.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant Master Plan approval with the following stipulations:

- 1) That the applicant shall receive a Variance from the City's Zoning Board of Review to construct a restaurant on a lot with two existing restaurants and a retail shopping mall with less than the required parking and landscaping.
- 2) That the preliminary plan shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect and approved by the Warwick Landscape Project Coordinator.
- 3) That the applicant shall install a separate fire line and a separate domestic line off the existing water loop and that the applicant shall install an RPZ backflow device on the domestic service and a double check on the fire service.
- 4) That there shall be a Fire Department Connection (FDC) located on the building within 100' of a hydrant and that the existing hydrant shall have a minimum flow of 1,000 GPM.
- 5) That the engineering consultant shall provide existing flows and projected flows to the Warwick Sewer Authority, as well as sampling manholes and any other pretreatment requirements.
- 6) That the applicant shall provide a sewer use agreement and an easement from the owners of the property and the pump station.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department's findings and to grant Master Plan approval with the Planning Department's recommended stipulations.

Public Hearing

Major Subdivision

Wild-Subdivision

Applicant: Karen and Kenneth Wild
Location: 3372, 3376, & 3378 West Shore Road
Assessor's Plat: 364
Lot(s): 15 & 485
Zoning District: Residential A-10
Land Area: 1.29 acres
Number of lots: 3
Engineer: Alpha Associates, Ltd.
Ward: 7

Attorney John Harrington represented the applicant and was requesting master plan approval of a Major Subdivision to reconfigure two lots with three existing single family dwellings to allow for the creation of three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback in a Residential A-10 Zoning District.

The attorney explained that the property had been to the Zoning Board on two occasions, once in 1967 to build the house to the rear of the property and again in 1989 to build a second dwelling on the front lot. He further explained that the owner now desires to create three lots with one house on each lot and that no new construction was being proposed.

Attorney Harrington then introduced Mr. Harry Miller, Alpha Associates, who provided a detailed explanation of the proposed subdivision. Mr. Miller informed the Planning Board that the property consisted of two houses on one lot and one house on a rear lot all accessed from a common drive that runs through the middle of the existing houses.

Mr. Miller explained that the proposal was to close the existing drive, and create two new driveways at each end of the property. The drive on Parcel A would provide access to house number 3378 and 3376 while the drive on Parcel B would provide access to house number 3372 and an easement for the utilities for house number 3376.

Mr. Miller further explained that he attempted to divide Parcel's A and B equally between the houses, providing an eleven foot setback for each house from the proposed side property line.

Board member Gambardella asked if the owner currently owns the existing driveway.

Mr. Miller responded to the affirmative.

Chairman Mulhearn asked how much frontage each lot would have.

Miller responded that the rear lot would have twenty feet and that the two front lots would possess approximately 68 feet each.

Board member Slocum asked if the two front houses were rental property.

Attorney Harrington responded to the affirmative.

Board member asked if the owner intended to sell the property if the subdivision was approved.

The owner responded to the affirmative.

Being no further questions or comments the Planning Board then heard the Planning Department's comments.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring a Zoning Board of Review approval to have three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant Master Plan approval with the following stipulations:

- 1) That the applicant shall receive a variance from the City's Zoning Board of Review to have three lots, each lot with an existing single family dwelling, less than required frontage, lot width, and side yard setback.
- 2) That all three dwellings shall be connected to the Warwick Sewer System.
- 3) That the existing evergreen hedges along the proposed driveways shall be maintained and expanded to provide screening of the driveways from the abutting properties.

- 4) That the proposed new curb cuts require a RIDOT, Physical Alteration Permit which shall include the permanent closure of the existing curb cut located between proposed “Parcel A” and “Parcel B.”

On the motion of Mr. Thomas, seconded by Mr. Gambardella, the Planning Board voted unanimously to adopt the Planning Department’s findings and to grant Master Plan approval with the Planning Department’s recommended stipulations.

Street Abandonment

Seaview Drive

Petitioner: William White III
Location Assessors Plat: 375 See attached map.
Ward: 6

Reason for Abandonment: That portion of Seaview Drive Avenue has ceased to be useful to the public as a highway, street or drift way. The petitioner’s residence is currently encroaching onto the city right-of-way. The petitioner is requesting the abandonment in order to relieve the existing encroachment.

Recommendation: Whereas there is a concern on a matter of apportionment of requested abandonment and in keeping with the true integrity of abandonment rights

Whereas there is no credible reason or benefit for the City to reapportion, vacate, or abandon an irregular part of the ROW and left retained with reduced inherent rights of dimensions, use, and possible loss of public improvement

And whereas there is no creditable reason that this portion of road ceases to be useful to the City and the only true benefit of this abandonment is a private matter, albeit the hardship of certain issues that existed for over a hundred years

Therefore the DPW opinion is not to abandon said portion of Seaview Drive, but instead grant an easement (along with all proper agreements) to owner of adjacent property until such time hardship dissolves or City needs to expand on its infrastructure it has a right to.

Attorney Fredrick Costello Represented the applicants and explained that the Seaview Drive right-of-way (ROW) runs through his clients living room. The attorney explained that the original plat that designated the Seaview Drive ROW was recorded in 1892, that the house was built in 1910 or 1919 and that Seaview Drive was a dirt road until sometime after the 1938 hurricane. Mr. Costello supplemented his presentation with historical photographs depicting the property as it had existed in the early 1900's.

Mr. Costello further explained that City Engineer was recommending against the abandonment and that he believed that the engineer had supplied a "boiler plate" denial. Costello then cited RIGL 24-2-7 and proceeded to offer his interpretation of the section. He explained that 24-2-2 designates roadway locations after 20 years and that in this case because the Seaview Drive pavement has been in its current location in excess of 20 years that the roadway is no longer where it was platted but instead in its physical location.

The attorney also explained the homeowner's situation that they purchased the home only a few years ago and only learned of the situation because of a survey they had performed on the property required for a zoning application. As a result the property now would have title problems and is no longer marketable. The attorney explained that the current owners did not cause the existing condition but now had to resolve it in order to make their property whole.

Board member Foster asked for the City Engineer's opinion.

Mr. John DeLucia, City Engineer, explained that his responsibility was to preserve the rights of the City now and into the future. He explained that the ROW does not go through the house but that the house is located in the ROW. He further explained that the request was not a typical abandonment request where the street was not constructed and half of the ROW would be given to each abutting property owner but that the street was a paved roadway and has been a viable roadway for some time.

Mr. DeLucia further explained that Seaview Drive directly abuts a coastal feature and that in the future a coastal storm and/or natural erosion may require the City to relocate the paved roadway elsewhere within the ROW. He is concerned that should the ROW be abandoned the possibility of relocating the pavement would no longer exist.

Chairman Mulhearn asked if an easement would resolve the issue.

Mrs. White the property owner explained that an easement would not resolve the issue because of homeowners insurance and they would still not own the property their house would still be on City property.

Board member Foster asked John Earle the City Solicitor how an easement would effect the property.

Mr. Earle responded that the easement would still affect the marketability of the property and could potentially cause liability problems for the City. He explained that the property owner would have to indemnify the City and may have to carry the City on their insurance policy; which would be difficult to enforce. Mr. Earle explained that the abandonment was a better option than an easement.

Mr. Slocum asked if eminent domain could be used to reacquire the property if the City required the ROW in the future. Mr. Earle responded to the affirmative.

Mr. Earle concluded by informing the Planning Board that the City Council is responsible for the final determination regardless of the Planning Board recommendation.

Being no further discussion, Board member Foster made a motion to recommend against the abandonment request. The motion failed for lack of a second.

Board member Thomas then made a motion, seconded by Mr. Gambardella, to recommend in favor of the abandonment, the motion passed four in favor with Ms. Foster opposed.

Public Hearing

Major Land Development Project

Waverly Place

Location:	Waverly St. & West Shore Rd.
Assessor's Plat:	333;
Assessor's Lot:	237, 239-245, & 261
Applicant:	Hugh Fisher
Zoned:	General Business & A-7 (Residential)
Area:	1.33 acres
Ward:	4
Engineer:	DiPrete Engineering Associates, Inc.

Attorney Jeff Caffery represented the applicant and was requesting preliminary approval to merge nine lots to allow for the development of a 14-unit condominium complex in a Planned District Residential (PDR) A-7 Zoning District.

Mr. Caffery then introduced the developer Mr. Hugh Fisher and the project engineer, Chris Duhamel of DiPrete Engineers to the Planning Board. Mr. Duhamel described the site and the development and explained that the plan conforms to the zoning requirements. He also explained that the parking ratio is 2.5 spaces per dwelling unit as requested by the Planning Board and that the dumpster would be relocated for its current location on the plan toward West Shore Road.

Mr. Duhamel then described the drainage system informing the board that the roof drains would be deposited into drywells and that the parking lot consisted of a closed drainage system that ultimately would be metered into the State drain in West Shore Road after passing through a Vortex drainage unit.

Mr. Duhamel explained that the RIDOT had issued a verbal approval of the drainage but that a formal Physical Alteration Permit was in the process of being issued.

The City Engineer, Mr. DeLucia, explained that the site was designed with the intention of protecting the abutters from flooding and that the drainage system meets the requirements for water quality.

Mr. Caulfield, Architect, Don Powers Architects, explained that the proposed buildings were designed to be cottage scale duplexes in order to conform to the surrounding homes.

Attorney Caffery reminded the board that traffic had been addressed at the Master Plan stage and that there would be no adverse impact on the surrounding area.

Being no public questions or comment the Planning Board then heard the Planning Department comment.

The Planning Department found the proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

- 1) Generally consistent with the Comprehensive Community Plan.
- 2) In compliance with the standards and provisions of the City’s Zoning Ordinance.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed subdivision possesses adequate and permanent access to a public street.

Planning Department recommendation was to grant preliminary approval contingent upon receipt of a RIDOT, Physical Alteration Permit with final approval to be through the Administrative Officer with the following stipulations:

- 1) That the applicant shall record an Administrative Subdivision merging all subject lots as a condition of final approval.
- 2) That a minimum 2-foot stone and mortar wall to be constructed along the easterly property line to ensure that storm-water runoff does not flow onto adjacent property shall be approved by the City Engineer and included on the final plan.
- 3) That catch basin details to be approved by the City Engineer shall be included on the final plan.
- 4) That the final plan shall include the “Sequence and Staging of Land Activities” to be approved by the City Engineer which shall include stripping of loam, sub-grade, fill material and rough grading to ensure the integrity of the proposed drywells.
- 5) That sheet 3 of 7 shall include a saw cut detail along the northerly edge of Waverly Street.
- 6) That the final plan shall include a note that the contractor shall obtain a Soil Erosion and Sediment Control Permit prior to any construction activity on the property.
- 7) That the final plan shall include a note that all construction shall be in compliance with National Flood Insurance Program (NFIP) for the 100-year floodplain.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department’s findings and to grant preliminary approval contingent upon receipt of a RIDOT, Physical Alteration Permit and final approval to be through the Administrative Officer with the Planning Department’s recommended stipulations.

Public Hearing

Major Land Development Project/Zone Change

Bayside Condominiums

Applicant: Centerville Builders Inc.
Location: Post Road
Assessor's Plat: 366
Lot(s): 5, 6 & 66
Zoning District: General Business & Residential A-40
Proposed Zone: Planned District Residential A-10/Open Space
Land Area: 1.6 Acres
Number of lots: 2
Engineer: Garofalo & Associates, Inc.
Ward: 7

Mr. Robert Lamoureux, Centerville Builders, represented himself and was requesting Master Plan approval of a Major Land Development Project/Subdivision and recommendation for a zone change. The applicant is requesting to subdivide three lots to create two new lots, one lot "not for development" to be zoned Open Space and one lot to be zoned Planned District Residential (PDR) A-10 to allow for a 10-unit multi-family development with less than required side-yard setback.

Mr. Lamoureux then introduced Mr. Nick Pampiano, P.E., Garafalo Associates, who described the details of the project. He explained that the developer intended to divide the property into two lots, 11.8 acres of open space and the remainder to be Zoned PDR A-10 to build ten residential condominium units. He informed the board that the units would be approximately 1,300 square feet with garages and that the development would be connected to public water and sewer and gas.

Board member Thomas asked what was planned for the open space.

Board member Foster asked if the open space was to be owned by the City.

Mr. Lamoureux explained that the open space would be left in its natural state and that he intended to offer the land to the City Council either to be owned by the City or the Land Trust.

Board member Slocum stated that the open space would act as a buffer between the development and the rail road.

The Planning Staff read a letter from Ms. Landers, an abutter, into the record. Ms. Landers was concerned about the quality of the development and the preservation of open space in perpetuity.

Being no other questions or comments the Planning Board than heard the Planning Department's comment.

The Planning Department found the proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) Consistent with the Comprehensive Community Plan.
- 2) Not in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring a City Council Zoning Change to Planned District Residential A-10 with less than the required side-yard setback and Open Space.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- 5) That the proposed development possesses adequate access to a public street.

Planning Department recommendation was to grant Master Plan approval with the following stipulations:

- 1) That the applicant shall receive a City Council Zone Change to PDR A-10 with less than the required side-yard setback and Open Space.
- 2) That parking areas shall be screened from Post Road with a mix of evergreen trees and shrubs.
- 3) That tree drip-line protection shall be depicted on the preliminary plan which shall include protection of existing wooded areas behind the proposed buildings.
- 4) That a sewer sampling manhole to be approved by the Warwick Sewer Authority shall be required for each building.
- 5) That the developer shall provide a projected sewer flow analysis and sewer impact study performed by a Professional Engineer and approved by the Warwick Sewer Authority prior to preliminary approval.
- 6) That the preliminary plans shall include the intersection of Post Road and Cowesett Road including the existing traffic signals.
- 7) That the proposed buildings shall be at least 3 feet above the maximum seasonal high ground water elevation, as determined by the designer.

- 8) That a stormwater management plan must be designed in accordance with all state and local regulations which shall consider a proprietary pre-treatment unit for the proposed stormwater.
- 9) That no large trees shall be located in proximity to the proposed underground detention system.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department's findings and to grant Master Plan approval with the Planning Department's recommended stipulations.

The Planning Department then offered its recommendation for the zone change.

The Planning Department found the proposal to be in compliance with the City's Comprehensive Plan including the Goals and Policies Statement, the Implementation Program, the Land Use Element, the Natural Resources, Open Space, and Recreation Element, and the Housing Element. The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100 "Title and Purpose":

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provide for a range of uses and intensities of use appropriate to the character of the city and reflects current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - (A) The goals and patterns of land use contained in the Comprehensive Plan of the City.
 - (B) The natural characteristics of the land including its suitability for use based on soil characteristics, topography, and susceptibility to surface or ground water pollution.
 - (C) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands.
 - (D) The values of unique or valuable natural resources and features.
 - (E) The availability and capacity of existing and planned public and/or private services and facilities.
 - (F) The need to shape the urban and suburban development.

- 103.6 Provide for the control and preservation and promotion of open space.
- 103.8 Promote a balance of housing choices, for all income levels and groups.
- 103.10 Promotes a high level of quality in design in the development of private and public facilities.
- 103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommended favorable action to the Warwick City Council for a Zone Change with all of the stipulations recommended for Master Plan approval.

On the motion of Mr. Slocum, seconded by Mr. Thomas and Mr. Gambardella, the Planning Board voted unanimously to adopt the Planning Department's findings and to recommend favorable action for the City Council Zone Change with the Planning Department's recommended stipulations for the Master Plan approval.

Public Meeting

Request for Extension
Major Subdivision

Mellen Plat

Applicant:	Francis and Denise Galligan
Location:	148 George Street
Assessor's Plat:	295
Lot(s):	136 & 137
Zoning District:	Residential A-7
Land Area:	10,000 square feet
Number of lots:	2
Engineer:	Ocean State Planners, Inc.
Ward:	2

The applicant is requesting an extension of a Master Plan approval of a Major Subdivision to subdivide one conforming parcel consisting of two undersized lots with less than the required land area and an existing dwelling to create two undersized nonconforming lots with less than the required area, frontage, and lot width in a Residential A-7 zoning district.

The Planning Department found the following:

- 1) The project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this project.
- 2) The Development Review Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the original application, as they would apply to this project.
- 3) The Zoning Map designation for the subdivision has not changed since the time of the original application.
- 4) No substantial change to the physical conditions of the subdivision or the neighboring property has occurred since the time of the original application.

The Planning Department recommendation was to grant the extension to expire on March 1, 2007.

On the motion of Ms. Foster, seconded by Mr. Slocum, the Planning Board voted unanimously to adopt the Planning Department's findings and to grant the extension to expire on March 1, 2007.

Public Meeting

Request for Extension
Major Land Development Project

Winfield Place

Applicant:	K. Joseph Shekarchi
Location:	686 Commonwealth Avenue
Assessor's Plat:	247
Lot(s):	47
Zoning District:	Residential A-10
Land Area:	2.059 Acres
Number of lots:	2
Engineer:	Walker Engineering Ltd.
Ward:	8

The applicant is requesting an extension of a Master Plan approval of a Major Land Development Project to subdivide one lot and create two lots, one conforming lot with an existing dwelling and one new lot for the development of a nine-unit residential condominium complex with less than the required frontage and lot width in a Residential A-10 zoning district.

The Planning Department found the following:

- 1) The project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this project.
- 2) The Development Review Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of the original application, as they would apply to this project.
- 3) The Zoning Map designation for the subdivision has not changed since the time of the original application.
- 4) No substantial change to the physical conditions of the subdivision or the neighboring property has occurred since the time of the original application.

The Planning Department recommendation is to grant the extension to expire on May 5, 2007.

On the motion of Ms. Foster, seconded by Mr. Slocum, the Planning Board voted unanimously to adopt the Planning Department's findings and to grant the extension to expire on May 5, 2007.

Public Meeting

Request for an Amendment to the City's Zoning Ordinance

Zoning Ordinance PCO-17-98

Applicant: Ives Bluff, LLC
Location: Old Forge Road
Assessor's Plat: 209,
Assessor's Lot(s): 1 and 6
Zoning District: Planned District Residential (PDR) A-10/A-40

Attorney Kevin Hayes represented the applicant and was requesting a Planning Board recommendation to amend the existing Zoning Ordinance PCO-17-98 to allow eight residential condominiums to be located in eight detached single family style structures. In addition, the development would contain a swimming pool, associated parking spaces, lighting, landscaping, a walking path, gazebo and stairway with access to the shore.

Attorney Hayes then submitted a revised amendment removing the request for the swimming pool, lighting, parking etc. and restricted the amendment to allow single family condominium style homes.

Mr. Mike Mancuso of 41 Harbor Terrace addressed the Planning Board. Mr. Mancuso informed the board that he was not opposed to the development concept but that he had some concerns about the layout of the development. He submitted a letter for the record of his concerns and verbally informed the board that he would like the driveway abutting his property relocated, that he would like the proposed swimming pool and associated parking area removed and that he was concerned about the location of buildings within a depression on the property.

Mr. Joseph Kildane of 25 Harbor Terrace and Ms. Mary Brown stated that they were neighbors and were interested in the project.

Being no further comment the Planning Board then heard the Planning Department recommendation.

The Planning Department found that the original Master Plan approval and Zone Change authorized 42 residential condominium units only and did not include a swimming pool with associated parking and a gazebo with access to the shore. The Planning Department recommends that the Planning Board address only the elements approved in the original Master Plan and not additional unauthorized elements. As a result, the Planning Department recommends a positive recommendation for the request to allow eight condominium units in detached single family style structures along with all previously existing stipulations included in the approved Master Plan.

The Planning Department finds the proposal to be in compliance with the City's Comprehensive Plan including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Housing Element.

The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance as presented in Section 100 "Title and Purpose:"

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provide for a range of uses and intensities of use appropriate to the character of the city and reflects current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - (A) The goals and patterns of land use contained in the comprehensive plan of the city.
 - (F) The need to shape the urban and suburban development.
- 103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommended favorable recommendation to the Warwick City Council for the requested zoning amendment.

On the motion of Mr. Slocum, seconded by Mr. Thomas, the Planning Board voted unanimously to adopt the Planning Department's findings and to recommend favorable action for the City Council Zone Change with all previously existing stipulations included in the approved Master Plan.